

IDAHO PARKS AND RECREATION BOARD MEETING AGENDA
REGULARLY SCHEDULED QUARTERLY MEETING MINUTES
2177 Warm Springs, BOISE, IDAHO—November 3, 1989

On Thursday, November 2, 1989, the board will meet for a training session at one of the classrooms at the Boise Interagency Fire Center. Actual time of the session to be determined later.

CALL TO ORDER: Regular Quarterly Board Meeting, 8:30 a.m. on Friday, November 3, 1989, at the department's conference room.

AGENDA

MINUTES: Additions, deletions, corrections and approval of minutes of July 21, 1989, regular quarterly meeting and the September 12, 1989, conference call board meetings.

AGENDA: Additions, deletions

INTRODUCTION OF GUESTS:

NEW BUSINESS:
(ACTION ITEMS)

Financial Statement	1
Group Use Camps Fees and Charges	
Dworshak	2
Squaw Bay (Priest Lake)	3
Harriman	4
RV Grant Project Requests	5
Land and Water Conservation Fund Grant	
Amendments to Rules -- Final Format	8
Off-Road Motor Vehicle Grant	
Amendments to Rules -- Final Format	24
Fairgrounds Natural Resource Proposal	36

STAFF REPORTS:	Albion Campus Study Progress Report	39
	Centennial State Park Progress Report	40
	Acquisition and Development Status Report	41
	Heyburn General Development Plan/Rules	
	Status Report	Oral Report

DIRECTOR'S REPORT: 1990 Proposed Legislation 46

BOARD MEMBERS REPORTS: *Bob Thomas*

FUTURE BOARD MEETING DATES:

EXECUTIVE SESSION: Under authority of Idaho Code 67-2345, an executive session may be held to discuss personnel, land acquisition, and/or litigation.

OPEN SESSION:

ADJOURNMENT:
7798r

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: FINANCIAL STATEMENT

FISCAL OFFICER: Steve Anderson

BACKGROUND: The financial statement and related documents is not available at this point in time. It will be sent to the board as soon as it is available.

7800r

IDAHO PARKS AND RECREATION BOARD MEETING -- NOVEMBER 3, 1989, BOISE

AGENDA ITEM: USER FEE CHANGES DWORSHAK STATE PARK
BOARD ACTION REQUESTED

PROGRAM MANAGER: Mike McElhatton, Park Manager
Dworshak State Park

BUREAU CHIEF: BILL DOKKEN

BACKGROUND: After one season of operation, staff feels that a few changes need to be made in the fee structure for the Three Meadows Group Camp. A comparison of the current fees and the proposed fees follows:

FACILITY	CURRENT FEES	PROPOSED FEES	INCREASE OR DECREASE (%)
Three Meadows Group Camp	200	175	12.5% decr.
Lodge	200	125	37.5% decr.
Lodge without com/cooking	200	95	52.5% decr.
Cabin	25	25	-0-
Supervisor cabin	25	35	71%.inc.
Tent/RV	std.rate	std.rate	no change
Lodge/day-use only	0	50	100%

This year there was a minimum charge of \$200 per day for the group camp. Staff feels that the minimum charge should be lowered to \$175 to encourage smaller groups.

This year, the charge for the lodge facility was \$200 per day. The proposal is to drop that fee to \$125 per day for use of the lodge facility. If the group does not want to use the commercial range, walk-in cooler, or the buffet tables, the charge would be \$95 per day.

On days when the lodge is not being used by overnight user groups, staff is recommending that it be made available for day use groups at \$50 per day.

The cabin rental fee would be the same as last year at \$25 per day.

The headquarters cabin (supervisor) would be increased from \$25 to \$35 per day.

Tent or RV use will be at the standard department rate of: tents \$6 per day
RV's \$7 per day, RV's with hookups \$10 per day.

RECOMMENDATION: That the board approve the fees as outlined for the Three Meadows Group Camp and direct staff to start the promulgation process through the Administrative Procedures Act.

IDAHO PARKS AND RECREATION BOARD MEETING -- NOVEMBER 3, 1989, BOISE

AGENDA ITEM: GROUP USER FEE CHANGES PRIEST LAKE STATE PARK
(SQUAW BAY)
BOARD ACTION REQUESTED

PROGRAM MANAGER: Larry Townsend, Park Manager
Priest Lake State Park

BUREAU CHIEF: BILL DOKKEN

BACKGROUND: For the past two years, the department has utilized a fee structure consisting of a base fee of \$40 per day for the use of the cookhouse and a fee of \$1 per person per day. In addition, there was a charge for use of existing RV hookups in accordance with the department's fee schedule. Since it is difficult for staff to be on site, staff is proposing a simplified system. The proposal is for a flat fee of \$125 per day with a \$7 RV hookup fee.

FACILITY	CURRENT FEES	PROPOSED FEES	INCREASE OR DECREASE (%)
Squaw Bay Group Camp	40 per day+ \$1 per person per day	125 No charge	based on an average of a 40-person group camp, this would be an increase of 64%.
RV hookups	\$7	\$7	No change

RECOMMENDATION: That the board approve the fees as outlined for the Squaw Bay Group Camp and direct staff to start the promulgation process through the Administrative Procedures Act.

7794r

IDAHO PARKS AND RECREATION BOARD MEETING -- NOVEMBER 3, 1989, BOISE

AGENDA ITEM: GROUP USER FEE CHANGES AT HARRIMAN STATE PARK
BOARD ACTION REQUESTED

PROGRAM MANAGER: Gene Eyraud, Park Manager
Harriman State Park

BUREAU CHIEF: BILL DOKKEN

BACKGROUND: The department has operated the Harriman group camp for several years, and it is becoming a very successful year-around program. Current fees are \$5 per person per day with a \$75 fee for use of the cookhouse per day (food is not allowed in the dorm). Staff is proposing that the fee be changed to \$9 per person with a minimum fee of \$75.00 (which would include the use of the cookhouse).

FACILITY	CURRENT FEES	PROPOSED FEES	INCREASE OR DECREASE (%)
Dorm	\$5 per person/day	\$9	No incr. for groups of 15-19 and only a small incr. for larger groups.
Cookhouse	\$75 per day	No charge	

The other fees would remain the same. They are: \$50 reservation deposit which is applied to the rent; \$100 cleaning deposit which is refunded if the buildings are left in the same condition in which they were first accepted; \$25 for day meetings at the cookhouse by groups not staying overnight.

RECOMMENDATION: That the board approve the fees as outlined for the Harriman Group Camp and direct staff to start the promulgation process through the Administrative Procedures Act.

7794r

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989
BOISE

AGENDA ITEM: FY '90 RV Grant Program Requests BOARD ACTION REQUESTED

BUREAU CHIEF: Jim Poulsen

PROGRAM MANAGER: Brian Miller

BACKGROUND: The RV Program currently has approximately \$215,000.00 of uncommitted FY '90 project funds. At their September meeting the RV Committee reviewed and rated 27 project requests. The committee also returned 9 requests to the sponsors for resubmittal. Based on the priority rating system, the RV Advisory Committee recommends that the Board approve the following projects. The list of requests, including the rating, amount requested and disposition is attached.

IDPR Video Kiosks The Department has requested \$15,000.00 to contribute to a \$100,000 cooperative project to provide up to ten video information kiosks at various locations statewide. The automated kiosks would provide travel information to tourists.

IDPR Information Centers The Department has requested \$27,100.00 to operate the Snake River View, Cherry Creek, and Huetter tourist information centers for the remainder of FY '90. The Cherry Creek and Huetter centers are scheduled to be in operation by June of 1990. This request includes personnel, operating and capital improvement costs.

Idaho Department of Fish and Game This request is to provide electrical service and a well at Spring Valley Reservoir in Latah County.

Caribou National Forest The Pocatello Ranger District has requested \$19,000.00 to install a new potable water system at the Big Springs Campground, which is on Pebble Creek in Bannock County.

BLM-Burley This \$19,700.00 request is to provide improvements at Hawkins Reservoir in Bannock County. Improvements will include road and camp spur construction, installation of handicapped paths, installation of sun shelters, and other minor improvements.

BLM-Boise The Boise District BLM has requested \$36,700.00 to make improvements at Steck Park in Washington County. Improvements will include installation of electrical service and drilling a well.

Idaho Panhandle National Forest The Fernan Ranger District has requested \$64,650.00 to improve Bell Bay Campground, which is on Lake Coeur D'Alene in Kootenai County. Improvements will include drilling two wells, road and camp spur construction, installation of picnic sites, and other minor improvements.

Recommendation - The RV Advisory Committee recommends that the Board approve the following projects for the remainder of FY '90.

<u>Sponsor</u>	<u>Amount</u>
IDPR Video Kiosks	\$15,000.00
IDPR Information Centers	27,100.00
IDFG Spring Valley	11,000.00
Caribou National Forest	19,000.00
Burley BLM	19,700.00
Boise BLM	36,700.00
Idaho Panhandle Nat. For.	<u>64,650.00</u>
TOTAL	\$201,250.00

0087m

RV ADVISORY COMMITTEE

September 14, 1989

PROJECT	AMOUNT	SCORE
Idaho Parks & Rec. (video kiosks)	\$15,000.00	441
Idaho Park & Rec. (Info Centers)	27,100.00	429
Idaho Fish & Game	11,000.00	420
Caribou National Forest (Big Springs)	19,000.00	417
Burley BLM (Hawkins)	19,700.00	407
Boise BLM	36,700.00	402
Idaho Parks & Rec. (Hells Gate)	1,200.00	398
Burley BLM (Big Sand)	6,000.00	397
Idaho Parks & Rec. (Dworshak)	-9,000.00	396
Idaho Panhandle N.F. (Bell CG)	64,650.00	394
SUB TOTAL	\$201,250.00	
Idaho Panhandle N.F. (Bell water)	8,500.00	384
Burley BLM (Grey's Landing)	6,000.00	381
Kootenai Hosp. District	20,975.00	381
Hailey	59,475.00	380
Homedale	9,605.00	379
Idaho Falls BLM (Kelly's Island)	15,000.00	379
Boise National Forest (Sagehen)	14,100.00	377
Idaho Falls BLM (Birch Creek)	15,000.00	377
Bingham County (water)	7,500.00	374
Bingham County (restroom)	9,000.00	368
Boise National Forest (Pine)	6,000.00	365
Boise National Forest (Greyback)	9,150.00	362
Boise National Forest (Evans)	6,000.00	361
American Falls	66,161.00	339
Twin Falls County	31,050.00	337
Troy	6,000.00	334
Mountain Home	47,450.00	303
TOTAL	\$546,316.00	

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: AMENDMENTS TO LAND AND WATER CONSERVATION FUND GRANT RULES
BOARD ACTION REQUESTED

DEPUTY ATTORNEY Rinda Just
GENERAL

BACKGROUND: Attached is a report relative to the proposed amendments to the LWCF grant rules. This report contains comments and recommendations resulting from the public comment process. Following the report is the entire set of rules incorporating the initial changes to the rules that the board adopted during the September 12, 1989, conference call board meeting and the recommended changes in the report.

RECOMMENDATION: That the board approve the rules as amended so staff can promulgate the amendments to the LWCF grant rules as final rules.

7781r



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
RINDA RAY JUST
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF PARKS & RECREATION
STATEHOUSE MAIL
BOISE, IDAHO 83720
TELEPHONE: (208) 334-2154

October 18, 1989

Chairman Glenn Shewmaker &
Members of the Idaho Parks
and Recreation Board
Statehouse Mail
Boise, ID 83720

RE: Amendments to Land & Water
Conservation Fund Grant Rules

Dear Board Members:

By this letter I make my report concerning the promulgation of amendments to the Land and Water Conservation Fund Grant Rules. These rules were initially approved by you at a conference call meeting on September 12, 1989. Since that time, the rules were reviewed by legislative council staff, and public comment has been sought.

Following is a summary of comments received, responses and suggested changes. All comments were from Mike Nugent, legislative council staff.

COMMENT:

Mr. Nugent questioned whether the application fees discussed in IDAPA 26.65.27.b. are reimbursable expenditures under the grant program.

RESPONSE:

To clarify that the application fees are not a reimbursable expense, I recommend that the following sentence be added at the end of 26.65.27.b. to read: Fees charged for project proposal or preapplication processes are not an eligible expense for reimbursement.

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

COMMENT:

Mr. Nugent felt that IDAPA 26.65.34.c. concerning partial reimbursements was unclear.

RESPONSE:

I suggest that the first sentence be changed to read: Partial reimbursement will not be made for projects where the project sponsor's matching share is less than \$50,000.

COMMENT:

Mr. Nugent asked if the provisions concerning the charging of fees for administration of conversions, IDAPA 26.65.43.d., could be simplified.

RESPONSE:

I suggest that the language in IDAPA 26.65.43.d. be replaced with the following:

- d. Deposits, costs and fees for the administration and management of the L&WCF conversion process will be as follows:

The sponsor will be required to pay a deposit of 2.5% of the appraised value of the property or the total cost of the project grant, whichever is greater. This deposit shall not be less than \$1,000.00.

IDPR will charge the sponsor for all administrative costs relating to the conversion plus a service fee of 1% of the current appraised value of the converted property. The service fee will not exceed \$3,500 for each converted tract of property.

The administrative costs and the service fee will be deducted from the deposit. The sponsor shall be reimbursed the remaining amount upon the successful completion of the conversion. Any costs in excess of the deposit must be paid by the sponsor.

Staff recommends final adoption of the attached rules with the changes set out in this letter.

Sincerely,



Rinda Just
Deputy Attorney General
Idaho Department of Parks and Recreation

cjv/4994J
cc: Jake Howard

- a. Idaho's cost of administering the L&WCF program and a contingency fund are deducted from the state's annual apportionment. The balance is divided 50% for local governmental agencies and 50% for state agencies. This division may be altered in any year at the discretion of the IDPR Board as long as at least 50% is made available to local governmental agencies over the life of the program.
- ~~b. The 50% amount for local governmental agencies is available for use by incorporated cities, counties, recreation districts and other governmental agencies authorized to provide general public recreation facilities. In order to ensure that the needs of rural areas are met, 20% of the local allocation is dedicated for use by governmental entities of 5,000 population or less. If the total cumulative request of the small governmental entity is more than the 20% of available funding, restriction will not be placed on their participation for the remaining allocation. However, if a proposed small governmental entity project costs over 40% of the small governmental entity share, it will compete with the large agency projects. A project of this size should be capable of competing with large governmental entity projects. The board may suspend (through formal action at the L&WCF project grant meeting) this exception or the 20% reservation for rural governmental entities if the allocation is deemed too small to make it practical. The remaining 80% of the local share is available for large governmental entity projects.~~
- b. The 50% amount for local governmental agencies is available for use by incorporated cities, counties, recreation districts and other governmental agencies authorized to provide general public recreation facilities.
- i. In order to ensure that the needs of rural areas are met, 20% of the 50% amount for local governmental agencies is dedicated for use by governmental entities of 5,000 population or less. If the cumulative request of the governmental entities of 5,000 population or less is more than the 20% of the 50% amount for local governmental agencies, restriction will not be placed on their participation for the remaining allocation but they will not receive special consideration.
- ii. If the total cost for a project of a governmental entity with a population of 5000 or less requires over half of the 20% dedicated for use by governmental entities of 5,000 population or less, that project must compete with the large governmental entity projects.
- c. The board may suspend (through formal action at the L&WCF project grant meeting) either b.i. or ii. listed above if the allocation is deemed too small to make it practical.
- d. The board may not obligate a portion of the annual allocation if the project requests are deemed insufficient to make it practical.

IDAPA 26.65.07

PARTICIPANT'S MATCHING SHARE

~~A sponsor must provide, as its matching share, the balance of a project's cost (usually 50%). The sponsor's share can be either local funds, certain federal funds, certain state funds, force account (in-kind), or donation of privately owned lands, goods or services.~~

The L&WCF program is a reimbursement program, which means that the participants will initially pay all project costs and then seek reimbursement through IDPR. Once a project is completed, the sponsor will be reimbursed (up to 50%) of the approved project cost. The sponsor's share can be either local funds, acceptable state funds, force account, or donation of privately owned lands, goods or services. Reimbursement varies according to the type of project and total project cost. (See IDAPA 26.65.34.)

IDAPA 26.65.19

PARK/SCHOOL DEVELOPMENT PROJECTS

Projects clearly designed and located to meet identified needs for general public recreation, as well as provide to school districts outdoor education, physical education, and recreation facilities may be eligible for funding, provided general public use recreation is clearly the primary use.

IDAPA 26.65.21

DONATED GOODS AND SERVICES AS MATCHING SHARE

~~The allowable rates for donated services, materials and equipment must be agreed to by the IDPR prior to initiation of construction and must be in accordance with current federal and state regulations. Donated services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. The services must be an integral and necessary part of an approved program. Rates for donated services must be consistent with those paid for similar work in other activities of the state or local government. In those instances in which the required skills are not found in the grantee organization, rates should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved. Donated services above the needs for a project are not eligible for further consideration. IDPR reimbursement on projects involving such donations will be limited to the amount of actual cash outlay by the grantee.~~

- a. Donated services, materials and equipment are eligible for reimbursement. Allowable rates must be agreed upon by the IDPR prior to initiation of construction and must be in accordance with current federal and state regulations. Partial reimbursement on projects involving such donations will be limited to the amount of actual cash outlay by the grantee.
- b. Donated services above the needs for a project are not eligible for further funding assistance.

- c. Donated services may be furnished by professional and technical personnel, consultants, and other skilled and/or unskilled labor. The services must be an integral and necessary part of an approved program. Rates for donated services must be consistent with those paid for similar work in other activities of the state or local government. In those instances in which the required skills are not found in the grantee organization, rates should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

IDAPA 26.65.22 FORCE ACCOUNT (IN-KIND)-AS MATCHING SHARE

All or a portion of the sponsor's share can be provided through force account (i.e. use of sponsor's staff and equipment) when such contributions are verifiable from the sponsor's records, are not included as contributions for any other IDPR program, and are necessary and reasonable for proper and efficient accomplishment of the project.

IDAPA 26.65.27 FUNDING CYCLE

April-----Notification-for-Preapplication
May-----Preapplications-Due
June-----Preapplication-Screening-and-Notification
July-----Technical-Review-Committee-Meeting
July/Aug-----Priority-Rating
July/Aug-----IDPR-Board-Meeting
September-----Complete-Applications-Due-for-NPS-Approval-

- a. When funding levels permit, a funding cycle shall be held once a year. The board may suspend (through formal action at any regular meeting) the annual funding cycle when the annual allocation is deemed too small to make it practical. A funding cycle shall be held no less than once every two years.

The funding cycle shall consist of the following:

Notification to begin a funding cycle shall be made no less than 90 days before preapplications are due. The Evaluation Committee meeting shall be held within 120 days of the preapplication due date. Recommendations shall be formulated within 30 days following the Evaluation Committee meeting and will be made to the board no later than the next regularly scheduled meeting.

- b. At the discretion of the director, fees may be charged for the project proposal and preapplication stages of any funding cycle. When charged, fees will be assessed equally on all applicants. Fees charged will not exceed \$50.00 for the project proposal or preapplication stages. Fees charged for project proposal or preapplication processes are not an eligible expense for reimbursement.

~~Participation manuals are provided to guide sponsors. Preapplications submitted will be reviewed by the IDPR staff for completeness, and eligibility. Suggestions for additions or corrections will be sent to sponsors. Eligible projects will be ranked according to the Open Project Selection Process (OPSP, see 26.65.29 through 26.65.32) and approved by the board (see 26.65.33). All application forms and correspondence are kept on file at IDPR. Once a project is determined to be potentially eligible, IDPR will request that the sponsor submit a full application. Full applications will be submitted to NPS for final funding approval (see 26.64.34). Incomplete and noneligible preapplications or applications may be returned to the sponsor with a letter explaining why funding was not awarded.~~

Guideline manuals are available to guide sponsors in preparing projects for funding consideration. Materials submitted for consideration will be reviewed by the IDPR staff for completeness and for project eligibility. Once a project is determined to be potentially eligible and materials submitted for consideration are complete, IDPR will ask the sponsor to make a presentation to the Evaluation Committee.

Preapplications providing incomplete information, noneligible projects, or projects not meeting designated schedules, will be rejected through a letter of explanation to the sponsor.

Eligible projects will be ranked according to the Open Project Selection Process (OPSP, see 26.65.29) and approved by the board (see 26.65.31). Full applications will be submitted to NPS for final funding approval (see 26.65.32).

IDAPA 26.65.29 OPEN PROJECT SELECTION PROCESS (OPSP)

The procedures outlined in IDAPA-26.65.29 through IDAPA-26.65.32 the State Comprehensive Outdoor Recreation Planning process (SCORP) and the Open Project Selection Process (OPSP) have been developed for the purpose of (1) defining criteria which a proposed L&WCF project must meet in order to be eligible for funding, and (2) to establish priorities on the basis of which competing eligible projects can be rated objectively. The intent is to assure-insure that available funds are used to fund those projects which most nearly satisfy the intent of the L&WCF Act, and the recreational needs of the people of Idaho-as-shown-in-the-SCORP.

Requirements for the The State Comprehensive Outdoor Recreation Plan (SCORP) and the Open Project Selection Process (OPSP) can be found in the "Land and Water Conservation Fund Outdoor Recreation Grants-In-Aid Manual", available from IDPR or NPS.

Copies of State Comprehensive Outdoor Recreation Plan (SCORP) and the Open Project Selection Process (OPSP) criteria used in prioritizing those projects submitted for L&WCF assistance may be obtained from IDPR, NPS, or the state Law Library. Typically, this criteria is provided in all L&WCF application guidelines.

- a. The evaluation committee is comprised of eighteen (18) members. The following must be taken into consideration in organizing this group:
- i. Eight (8) members must be representative officials of state and federal agencies with a technical relationship to community development or the outdoor recreation needs in the state.
 - ~~ii. Each of the six (6) IDPR regions will be represented as follows: Three (3) members will be representative of a governmental entity or a county government of 5,000 population or more and three (3) members will be representative of a governmental entity or a county government of 5,000 population or less.~~
 - ~~iii. Three (3) individuals (one in each area) will represent the following: the interests of the handicapped, the interests of minorities and the interests of the elderly.~~
 - ~~iv. One (1) member will be from the board.~~
 - ii. Three (3) members will be representative of a governmental entity or a county government of 5,000 population or more and must be selected from one of the six (6) IDPR regions. A region may not be represented twice.
 - iii. Three (3) members will be representative of a governmental entity or a county government of 5,000 population or less and must be selected from one of the six (6) IDPR regions. A region may not be represented twice.
 - iv. One (1) member will represent the interests of minorities.
 - v. One (1) member will represent the interests of the elderly.
 - vi. One (1) member will represent the interests of the handicapped.
 - vii. One (1) member will be from the IDPR Board.
- A quorum is required to conduct committee business. Nine (9) people constitute a quorum.
- b. Members will be appointed by and serve at the discretion of the director for three funding sessions and are subject to unlimited reappointment. Except, the member who is on the IDPR board will be selected by and serve at the discretion of the board. Annually, the director will provide public notice of available seats. Individuals may be nominated at random for this committee.

IDAPA-26.65.31-----EVALUATION COMMITTEE RATING CRITERIA

Projects are evaluated and are awarded from 1 to 8 points on each of the following criteria:

- a. Degree to which project is in keeping with the intent of the L&WCE.
- b. Degree to which project benefits the public in general.
- c. Degree to which the applicant does or will control the project site.
- d. Degree to which benefits compare with project costs.
- e. Degree to which the property is suitable for intended use.
- f. Degree which design minimizes unusual or difficult development problems.
- g. Degree to which the area is accessible for the intended use.
- h. Degree (length, amount, percentage) to which the facility will encourage handicap accessibility beyond minimum requirements.
- i. Degree of time the facility will be open and usable for outdoor recreation.
- j. Degree to which sponsor is able to finance 100% of development costs.
- k. Degree of sponsor's financial commitment for annual operation and maintenance.

IDAPA-26.65.32-----STAFF RATING CRITERIA

After each L&WCE project application has been presented to and rated by the evaluation committee, the application is evaluated by the IDPR staff. Points are awarded from each of the sections which follow, resulting in a total point score:

- a. General State Priorities are described in the SGORP, they are categorized as follows: (possible points = 25 points)

	<u>Acquisition/ Development</u>	<u>Development</u>	<u>Redevelopment</u>
<u>-General Recreation Resource Multiuse:-</u>	<u>-25 points</u>	<u>-20 points</u>	<u>-15 points</u>
<u>-Recreation Access:-</u>	<u>-20 points</u>	<u>-15 points</u>	<u>-10 points</u>
<u>-Single Use Area:</u>	<u>-15 points</u>	<u>-10 points</u>	<u>-5 points</u>

- b. The priority needs assessment (see definitions) incorporates two specialized SGORP related activities which further refined Idaho's priorities for L&WCE obligation. (possible points = 40)

i. The following list indicates the relative level of importance of these major issue items.

(a) HIGH (20 points)

- Land acquisition and development of multiple use community or neighborhood facilities within or near municipalities;
- Acquisition and development of Idaho's significant natural resources which enhance or expand the state park system.

(b) MEDIUM (15 points)

- Development of bicycle paths adjacent to highways.
- Development of "green ways"; corridors of lands and waters that provide access and link together recreation areas.

(c) LOW (10 points)

- Acquisition of lands and water which protect or enhance habitat for fish and wildlife and provide public recreational use.
- Acquisition, or other form of preservation, and development of access to the state's land and water resources.

ii. The 1987 Idaho Wetlands Conservation Priority Plan provides a process that identifies wetlands that should receive priority attention for acquisition, particularly through allocation of L&WCF monies. The criteria assesses wetlands values and losses and provides evaluation criteria to be used in making wetlands acquisition determinations. Each potential wetland site would receive a resultant ranking of importance: high, medium, or low. Points are assigned as follows: High=20 points, Medium=15 points, and Low=10 points.

c. Projects specifically identified within a local park and recreation plan (possible points = 20).

d. Supplemental priority is given to a project including any of the following (possible points = 45):

- i. aspects of energy conservation are incorporated into location, method of access, or site design and construction; (5 points)
- ii. there is a demonstrated commitment by the sponsor of funds or staff to execute the project; (10 points)
- iii. the project as submitted conforms to professional design standards; (10 points)
- iv. there is a demonstrated commitment by the sponsor of funds or staff to operate and maintain the completed area; (10 points)

- v. development of projects on land which was previously acquired by L&WC Funds;--(5-points)
- vi. projects which have public meeting(s) for input on the proposed project.--Documentation for this includes advertisement for the meeting in the local paper, a copy of the signatures of those attending, and a summary of the input and recommendations made by those attending;--(5-points)
- e. Sponsor's past history shows uncorrected poor maintenance, failure to complete a previous grant as proposed, or sponsor has an outstanding unauthorized conversion.--(Minus 45-points possible).
- f. The project could generate sufficient income to retire a development bond or is unfair competition to the private sector.--(minus 10-points)

Once all projects have been rated, they are placed by priority on a list for either large communities, small communities (5,000 population and less), or state projects.--Priority ratings are presented to the board.

IDAPA 26.65.3331 IDPR BOARD REVIEW AND APPROVAL - The board reviews and approves projects according to the priority list provided through OPSP. Applications are submitted to NPS according to priority after L&WCF monies have been appropriated by congress and allocated to the state.

IDAPA 26.65.3432 NPS PROJECT APPROVAL - When a project is approved by NPS, the announcement is made by one of the state's congressional delegation following notification from the IDPR. All appraisals, title and deed work will be finalized prior to submitting a project to the NPS.

IDAPA 26.65.3533 PROCEEDING ON THE PROJECT - After project approval, the IDPR staff assists the sponsor in meeting the requirements of the L&WCF including providing information on the steps and required documentation for acquisition and development projects along with financial responsibilities and allowable costs. The sponsor must complete work on the project according to the scope elements in the state/local agreement.

IDAPA 26.65.3634 DISBURSEMENT OF FUNDS

- a. Except as otherwise provided herein, the director or the director's designee will authorize disbursement of funds allocated to a project through reimbursement basis. The L&WCF program is a reimbursement program, which means that the participants will initially pay all project costs and then seek reimbursement through IDPR.
- b. Reimbursement will not be made by IDPR until deed, title insurance and appraisal requirements are satisfied on all projects. Reimbursement may be made on development or combination acquisition/development projects once construction shows evidence and reasonable progress toward the completion of all scope elements and L&WCF requirements.

- ~~c. When reimbursement is granted prior to project completion, the sponsor will receive a reimbursement for fifty percent (50%) of the eligible costs incurred less a twenty five percent (25%) hold back. When the project has been completed and receives final approval from IDPR, the participant will be paid the twenty five percent (25%) hold back. Partial reimbursement will not be made for projects less than \$50,000.~~
- c. Partial reimbursement will not be made for projects where the project sponsor's matching share is less than \$50,000. When reimbursement is granted prior to project completion, the sponsor will receive a reimbursement for fifty percent (50%) of the eligible costs incurred less a twenty five percent (25%) hold back. When the project has been completed and receives final approval from IDPR, the participant will be paid the twenty five percent (25%) hold back.
- d. Reimbursement must be requested by local governmental agencies on voucher forms provided by the IDPR and must include all required documentation. The sponsor will receive a reimbursement for fifty percent (50%) of the eligible costs incurred. The amount of reimbursement shall never exceed the cash expended on the project.

IDAPA 26.65.3735 PROJECT CONTRACT - For every funded project, a project contract must be executed. The project contract shall be prepared by the IDPR staff subsequent to approval of the project. Upon execution by the grantee agency, the parties will thereafter be bound by the project contract terms. The sponsor may not proceed with the project until the project contract has been executed. IDPR shall not execute a project contract until federal funding has been authorized by NPS.

IDAPA 26.65.3836 CONTROL AND TENURE - The sponsor must have title to or adequate control and tenure of the area to be developed. The sponsor shall list all outstanding rights or interests held by others in the property to be developed. In the event that outstanding rights should later prove to be noncompatible with public outdoor recreation uses of the site, the sponsor assumes the responsibility for having to replace the facilities developed with state and/or federal assistance with others of at least equal value and reasonably equivalent usefulness and location at the sole cost of the sponsor.

IDAPA 26.65.3937 APPLICABILITY - All L&WCF requirements apply to each area or facility, regardless of the extent of L&WCF assistance. When L&WCF development assistance is given to a project limited to less than a complete recreational property, all lands immediately adjacent to that L&WCF development which are designated as recreational property will be identified as being within the L&WCF project boundary and will be subject to L&WCF guidelines.

IDAPA 26.65.4038 SPONSOR COMMITMENT - A proclamation from the agency's governing body committing the project and the agency to L&WCF requirements must be submitted to IDPR prior to IDPR project approval.

IDAPA 26.65.4139 RESTRICTION ON TITLE - Land acquired in fee with outdoor recreation funds shall be dedicated to outdoor recreation use in perpetuity by a recorded "Deed of Right to Use Land for Public Recreation Purposes" (Deed of Right) which conveys a real property interest to the public. This is to be executed and recorded by the participant after it has taken title to the property, and before it applies for reimbursement.

IDAPA 26.65.4240 RECORDS - Project records shall be maintained by the state and sponsor for three years after final payment. The material shall be maintained beyond the required three year period if audit findings have not been resolved. Property records will be maintained in perpetuity.

IDAPA 26.65.4341 PROJECT AMENDMENTS, COST INCREASES & TIME EXTENSIONS -

- a. The project contract may be amended by execution of a project amendment. All amendment requests shall be made in writing and must include a detailed justification. Sponsors are expected to complete projects as originally proposed and evaluated. However, amendments for minor changes in scope may be requested. Cost increases of 15% or more and/or changes in project elements which change the total project cost by 15% or more will require that the project be presented as a totally new proposal and compete through the open project selection process (IDAPA 26.65.29 through IDAPA 26.65.331) during a current session. Should the revised project not receive enough points to be funded, the sponsor will be required to complete the scope of the project as originally proposed at their expense or return any funds reimbursed so that the project may be cancelled and the funds reallocated.
- b. For cost increase requests on development projects to be considered, the following must be met:
 - i. The increase, or any portion thereof, is to be used only for costs incurred on elements specified in the project agreement.
 - ii. The sponsor has initiated implementation of the project in a timely manner and has had little control over the condition causing the cost overrun.
- c. Acquisition project cost increases must meet the following conditions:
 - i. The increased market value is supported by an acceptable appraisal.
 - ii. The sponsor has diligently pursued the acquisition.
 - iii. If increased relocation costs have caused a cost overrun, an explanation will be required.
- d. Acquisition cost increases based on condemnation awards, if granted will be based on compensation for the property and direct relocation costs; no court or legal costs are eligible for reimbursement.

- e. Cost increase request for development projects are based on the total approved costs. Cost increase requests for acquisition projects are based on a parcel by parcel determination.
- f. Extensions of time limitations will be considered if based on unavoidable circumstances such as condemnation of property for acquisition projects and delays due to unusually poor weather or unavailability of supplies for a development project. Extensions will generally be granted in 6 month intervals. Avoidable project delays will result in loss of funding with the sponsor being required to return any funds reimbursed so that the project can be cancelled.

IDAPA 26.65.4442 DEVELOPMENT PROJECT CONTRACT REQUIREMENTS - Development projects will require competitive bidding according to state and federal statutes.

IDAPA 26.65.4543 CONVERSION TO OTHER USES

- a. Property acquired or developed with L&WCF assistance shall not be converted to other than public outdoor recreation uses without prior approval of the director and the NPS regional director. The director has authority to disapprove conversion requests and/or to reject proposed property substitutions.
- b. IDPR will only consider a conversion request once the following prerequisites have been met:
 - i. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
 - ii. At least thirty (30) days prior to IDPR submitting a request from NPS to convert L&WCF properties, the sponsors must hold a public hearing.
 - iii. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a state approved appraisal.
 - iv. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. It must be administered by the same political jurisdiction as the converted property.
 - v. (a) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition. The replacement property must constitute or be part of a viable recreation area.
 - (b) Public land may not be used for substitution on acquisition projects unless it meets the criteria for an eligible acquisition project. However, in the case of development projects for which the state match was not derived from the cost of the purchase or value of a donation of the land to be converted, public land not currently dedicated to recreation OR conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

- vi. All necessary coordination with other federal agencies has been satisfactorily accomplished.
 - vii. The guidelines for environmental evaluation have been satisfactorily completed and considered.
 - viii. The proposed conversion and substitution are in accord with the SCORP.
 - ix. Staff consideration of the above points reveals no reason for disapproval and the project files are so documented.
 - x. It should also be noted that the acquisition of one parcel of land may be used in satisfaction of several approved conversions. However, previously acquired property cannot be used to satisfy substitution requirements except in the case of development projects.
- c. Approved conversions require amendments in the project contract when the property to be substituted is off site or when replacement of property is deferred.
- d. Deposit, cost and fees for the administration and management of the L&WCF conversion process will be as follows:

The sponsor will be required to pay a deposit of 2.5% of the appraised value of the property or the total cost of the project grant, whichever is greater. This deposit shall not be less than \$1,000.00.

IDPR will charge the sponsor for all administrative costs relating to the conversion and a service fee of 1% of the current appraised value of the converted property. The service fee will not exceed \$3500 for each converted tract of property.

The administrative costs and the service fee will be deducted from the deposit. The sponsor shall be reimbursed the remaining amount upon the successful completion of the conversion. Any incidental costs exceeding the deposit must be paid by the sponsor.

IDAPA 26.65.4644 USER FEES, CHARGES AND INCOME - User or other types of fees may be charged in connection with facilities developed with L&WCF grants, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are in the prevailing range of public fees and charges for the particular activity involved. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

Nonrecreational income that accrues to an outdoor recreation area other than the intended recreational use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended outdoor recreational use of the area. Gross nonrecreational income that accrues during the project period established in the project contract will be used to reduce the total cost of the project. Gross nonrecreational income that accrues subsequent to the ending date identified in the project contract must be used only to offset the expense of operation and maintenance of the facility.

IDAPA 26.65.4745 PERMANENT PROJECT SIGNS - Permanent public acknowledgment of L&WCF assistance at project sites is required on at least one prominently placed area identification sign. The L&WCF symbol established and provided by IDPR must be used for such acknowledgment at the project site entrance, and/or other appropriate locations. The participant may desire to provide a more detailed identification. IDPR staff must approve the sponsor's park sign prior to its construction to ensure proper designation is included.

IDAPA 26.65.4846 ARCHITECTURAL BARRIERS - Sponsors in the L&WCF program must assure that physically handicapped persons are not precluded from the use of L&WCF assisted recreational facilities.

IDAPA 26.65.4947 UNIFORM RELOCATION COMPLAINT PROCEDURE - The two appeal procedure recommended by the NPS will be an appeal to the director and then to the board for resolution (see IDAPA 26.10.15).

IDAPA 26.65.5048 AVAILABILITY TO USERS -

- a. Property shall be open to entry and use by all persons regardless of race, color, or national origin. Discrimination is also prohibited on the basis of religion or sex.
- b. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.
- c. Facilities shall be kept open for public use at reasonable hours and times of the year based on intended use.

IDAPA 26.65.5149 CIVIL RIGHTS COMPLAINT PROCEDURE - An opportunity is provided for filing civil rights complaints. The procedure is to deliver a written complaint to the director. The director then makes a decision concerning the complaint. If the complainant is not satisfied with the director decision, the complainant may appeal the decision to the board for resolution. (see IDAPA 26.10.15)

IDAPA 26.65.5250 APPEALS - Any applicant who may be adversely affected by a final order, decision, ruling, direction, or regulation of the director may appeal such order, decision, ruling, direction or regulation as outlined under IDAPA 26.10.15.

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: AMENDMENTS TO ORMV GRANT RULES
 BOARD ACTION REQUESTED

DEPUTY ATTORNEY Rinda Just
GENERAL

BACKGROUND: Attached is a report relative to the proposed amendments to the ORMV grant rules. This report contains comments and recommendations resulting from the public comment process. Following the report is the entire set of rules incorporating the initial changes to the rules that the board adopted during the July 21, 1989, board meeting and the recommended changes in the report.

That the board approve the rules as amended so staff can promulgate the amendments to the ORMV grant rules as final rules.

7781r



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
RINDA RAY JUST
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF PARKS & RECREATION
STATEHOUSE MAIL
BOISE, IDAHO 83720
TELEPHONE: (208) 334-2154

October 18, 1989

Chairman Glenn Shewmaker and
Members of the Idaho Parks
and Recreation Board
Statehouse Mail
Boise, ID 83720

RE: Amendments to ORMV Grant Rules

Dear Board Members:

By this letter I make my report concerning the promulgation of amendments to the ORMV Grant Rules. These rules were approved by you at your meeting last July 21. Since that time the rules were reviewed by legislative council staff and public comment has been sought.

Comments were received from the Idaho Conservation League, and Mike Nugent of the legislative council. Comments and staff's response follows:

COMMENT:

ICL was concerned that the requirements of IDAPA 26.63.3.b could discourage project applications by conservation groups which had no experience in providing ORMV services or facilities.

RESPONSE:

While the ICL's concerns are valid, I think the original intent was to assure that projects which required on-going maintenance and operation were not approved unless the sponsor could demonstrate an ability to operate and maintain the facilities or provide the services.

The following language should address both concerns:

Private groups, organizations or individuals may also apply for project funding. The applicant must provide evidence of its ability to implement or operate and maintain the project following the completion of the project.

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

COMMENT:

ICL was concerned by the limited public input sought by project sponsors under IDAPA 26.63.4.d. Mike Nugent objected to the use of the term "legitimate" to modify "organized ORMV interest groups."

RESPONSE:

I suggest the first sentence of IDAPA 26.63.4.d. be changed to read:

Prior to project approval, the project sponsor shall contact all known organized ORMV interest groups, user groups within a reasonable area around the project, affected landowners, non-motorized recreation groups, and conservation groups and request their input.

COMMENT:

ICL urges that the existing rating system is biased against rehabilitation and law enforcement oriented projects.

RESPONSE:

Rehabilitation and law enforcement projects have rated well under the point factoring system as evidenced by the amount of grant funds which have gone to such projects. No changes to the system are recommended.

COMMENT:

ICL is troubled by the phrase "as to whether or not the project meets the needs of ORMV users in the area," found at IDAPA 26.63.7.a., arguing that this limits the committee's duties and ignores other important duties.

RESPONSE:

The statutory duties of the ORMV committee are set out in full at IDAPA 26.63.7.b. I suggest the offending language be removed from subsection a. The first sentence of 26.63.7.a. would then read:

"The committee provides advice and input regarding various aspects of proposed projects."

COMMENT:

It was suggested by ICL that IDAPA 26.63.12.f., which deals with multiple use of ORMV funded projects, could cause unnecessary conflict.

Board Members
Page 3
October 18, 1989

RESPONSE:

Change subsection f. to read:

Groups other than ORMV users shall be welcome to use the facility or area with the understanding that the project was funded by ORMV funds and that ORMV users will be present.

Staff recommends adoption of the attached ORMV amendments incorporating the changes outlined in this letter.

Sincerely,



Rinda Just
Deputy Attorney General
Idaho Department of Parks and Recreation

cc: Chuck Wells
Lew Munson
Will Whelan

nh/5251E

PROPOSED
AMENDMENTS TO
RULES FOR THE IDAHO DEPARTMENT OF PARKS AND RECREATION'S
OFF-ROAD MOTOR VEHICLE FUND AND MOTORBIKE RECREATION FUND PROGRAMS

IDAPA 26.63.1. - AUTHORITY AND PURPOSE - These rules are promulgated by the Idaho Parks and Recreation Board pursuant to IDAHO CODE § 67-5201, et seq., and IDAHO CODE § 67-4223 and are intended to further define and make specific IDAHO CODE § 57-1901, et seq., and IDAHO CODE § 67-7122, et. seq. as they pertain to administration of the department's off-road motor vehicle fund and the department's motorbike recreation fund.

IDAPA 26.63.2. - DEFINITIONS - Certain terms used herein are defined as follows:

- a. OFF-ROAD MOTOR VEHICLE (ORMV) - Any motorized vehicle that is used primarily for recreation purposes for off highway travel, and further defined in (g), (h), (i), (j), and (k) of IDAPA 26.63.2.
- b. ORMV PLANNER - The staff administrator of the ORMV fund.
- c. MANUAL - A manual with supplemental information to aid applicants in applying for a project for ORMV funds.
- d. COMMITTEE or ORMV FUND ADVISORY COMMITTEE - ~~A twelve-member ad-hoc committee appointed by the board to represent the four ORMV user groups:--motoreycles,--snowmobiles,--four-wheel-drives and-ATV's,--with one member of each group from north,--southwest,--and-southeast-Idaho. Committee members are appointed upon the recommendation of ORMV user groups.~~ A nine (9) member advisory committee appointed by the board, consisting of three (3) members each from northern Idaho, southwestern Idaho, and southeastern Idaho. The areas of representation shall be made up of the following I.D.P.R. planning regions; north Idaho, regions 1 and 2; southwest Idaho, regions 3 and 4; southeast Idaho, regions 5 and 6. Two (2) members from each area shall represent the following groups: motorbikes or ATV riders and snowmobilers. One (1) member interested in ORMV projects shall be appointed from each area without regard to the recreational activity in which that member participates and shall represent interests other than motorbike or ATV riders and snowmobilers. Each member of the advisory committee shall serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths each expiring on June 30. Following the initial appointment, the deadline for accepting nominations to fill vacancies will be January 1 of each year.
- e. OFF-ROAD MOTOR VEHICLE (ORMV) FUND - That account created by IDAHO CODE §57-1901, the monies may be used to acquire, purchase, improve, repair, maintain, furnish and equip off-road motor vehicle facilities and sites or areas used by off-road vehicles on public or private land, and to assist with enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho.
- f. MOTORBIKE RECREATION FUND (MBRF) - This fund, created by IDAHO CODE ~~§ 49-2702~~ § 67-7122 may be used for all of the purposes outlined in "e" above, plus rider education programs. When reference is made to the ORMV fund in these rules, it is intended to include the MBRF the same as if it was specifically denoted as such.

- g. **MOTORCYCLES**
 "Motorcycle" means any self-propelled two (2) or three (3) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trial bikes, motocross (motorcross) bikes or dual purpose motorcycles.
- h. **SNOWMOBILE**
 "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners and which is not otherwise registered or licensed under the laws of the State of Idaho.
- i. **FOUR WHEELERS**
 "Four wheelers" means a 4-wheel drive vehicle which can be licensed for on-highway travel and also is capable of being used for off-highway and rugged terrain travel.
- j. **DUNE BUGGIES**
 "Dune buggies" means a four wheel vehicle used for travel in sandy areas and rough terrain. Usually built from the basis of a consumer vehicle but modified for off-highway use.
- k. **ATV**
 "All terrain vehicle (ATV)" means any recreation vehicle with two (2) or more tires, under six hundred (600) pounds and less than forty-eight (48) inches in width, traveling on low pressure tires, less than five (5) pounds psi, and designed to be ridden by one (1) person.
- l. **APPLICANT** - Any legal governmental entity, user group, organization, or individual willing to take financial responsibility, planning responsibility, and management responsibility for an ORMV fund project.
- m. **SPONSOR** - Any federal, state, county, municipal, city or other governmental agency, club, association, organization, or other individual identifying a need for a project, supplying initial support data, who applies for a project through the ORMV fund.
- n. **PROJECT** - Any effort in compliance with IDAHO CODE § 57-1901 for which ORMV funds shall be used to acquire, purchase, improve, repair, maintain, furnish and equip off-road motor vehicle facilities and sites in Idaho.
- o. **PROJECT SITE** - The parcel of land or trail or road or segment thereof for or upon which ORMV funds may be used.
- p. **MANAGEMENT** - The actions taken in exercising control over, regulating the use, operation, and maintenance of trails, areas, facilities, or programs.
- q. **MANAGER** - Any individual who agrees to assume the principal responsibility for the ongoing management of a completed project.
- r. **BOARD** - The Idaho Parks and Recreation Board, a bi-partisan, six-member board, appointed by the governor.
- s. **DEPARTMENT** - The Idaho Department of Parks and Recreation.
 2177 Warm Springs Avenue, Statehouse Mail, Boise, Idaho 83720.
- t. **DIRECTOR** - The director and chief administrator of the Idaho Department of Parks and Recreation, or the designee of the director.

IDAPA 26.63.3. - ELIGIBLE APPLICANTS FOR ORMV FUNDS -

- a. Governmental agencies that may apply for an ORMV-funded project include, but are not limited to, the following: Federal agencies, state agencies, counties, cities, or other public agencies involved in providing recreation services.
- b. Private groups, organizations or individuals ~~that can demonstrate evidence of responsibility in providing ORMV facilities or services~~ may also apply for a project funding. The applicant must provide evidence of its ability to implement or operate and maintain the project following the completion of the project.

IDAPA 26.63.4. - APPLICATION PROCEDURES AND REQUIREMENTS FOR PROPOSED PROJECTS - All forms and documentation required by these rules are to be completed to the satisfaction of the ORMV planner or a project will not be considered for funding.

- a. PROJECT PROPOSAL PRELIMINARY PROCEDURES: The applicant will review the project with the ORMV planner to assure that procedures are understood and necessary forms are provided to the applicant. The ORMV planner will review the application to ensure that there is adequate data available to present the project to the committee. When possible, the ORMV planner will perform an on-site inspection for preliminary fact finding and to evaluate support information.
- b. SITE PLANNING CONSIDERATIONS: Site planning in general should consider ingress and egress, parking facilities, support facilities, refuse disposal, sign and boundary markers, and unloading ramps. Trail planning should consider all of the above elements, plus erosion controls, bridging, water course protection, trail reinforcement, cribbing, gradient, turn radius/slide protection, surface condition (earth or snow), traffic flow and signing.
- c. REQUIREMENTS FOR PROPOSED PROJECTS: A topographic USFS, BLM, or county map showing the project site in relation to surrounding communities and terrain is required, with a minimum scale of 1:125,000. A site plan of no less than 1" to 1,000' is required, with an outline showing the relationship of facilities, structures and development to each other. Black and white photos from the ground showing the feature, or in the case of trails, where deterioration is expected, repair is needed, and other impacted areas are required. Slides or aerial photos may be required by the ORMV planner if additional information is necessary for clarification or project approval. A written justification describing the proposed project and what is expected to be accomplished is required on appropriate forms supplied by the ORMV Planner. Present, past and anticipated future use of the area or trails shall be furnished to the ORMV planner on appropriate forms which will be supplied by the ORMV Planner.
- d. PUBLIC COMMENT REQUIRED: Prior to project approval, the project sponsor shall contact all known ~~legitimate~~ organized ORMV interest groups, ~~and~~ user groups within a reasonable area around the project, affected landowners, non-motorized recreation groups, and conservation groups ~~area~~ and request their input. The applicant shall supply the information obtained on forms furnished by the ORMV Planner. The ORMV planner will provide project explanation and public comment opportunities, such as news releases in local papers which will specifically invite public comments on proposed projects.

IDAPA 26.63.5. - PROJECT TIME PERIOD

- a. PROJECT APPLICATION DEAD LINE - For the spring board meeting shall be January 1st each year and July 1st for the fall board meeting.
- b. MINIMUM time to process an application will be at least 90 days. MAXIMUM time to process an application will be no more than one year, unless unforeseen circumstances cause delays. Each of these time periods may be altered depending upon the quantity of projects being considered at that time and the work load of the ORV Planner and committee. Application processing will take longer if any other grant funds are involved. If project processing takes longer than one year, the applicant will be informed in writing and told the reasons for the delay.
- c. TWO YEARS MAXIMUM FOR OBLIGATION OF ORMV FUNDS - After a project is approved and funds are obligated, the department may allow up to two years to expend the funds. It is preferable that the funds be spent within one year. If the funds are not expended to the satisfaction of the ORMV planner at the end of the two years, the project will be cancelled and the funds reallocated to other projects. Cancellation of the project and reallocation of the funds will be preceded by a written notice and explanation.
- d. PROJECT TIME EXTENSION - If unforeseen circumstances prevent the project from being completed within the two year period, the project applicant may request an extension of time. Requests must be in writing and must provide an explanation of reasons for the request. An extension of time may be granted by the ORMV planner provided the circumstances preventing completion of the project are beyond the control of the sponsor. All such extension requests shall be made no later than 90 days prior to the end of the two year period or sooner, if possible.

IDAPA 26.63.6. - ELIGIBILITY AND PRIORITY RATING OF PROJECTS.

- a. ELIGIBILITY of all projects will be determined by ~~the committee and~~ the staff, as outlined in IDAPA 26.63.3.
- b. PROJECT PRIORITIES will be ~~rated~~ established by the ORMV planner staff and the advisory committee rating each ORMV fund request that is ready to submit to the board by using the following criteria outlined in the priority rating system I.D.P.R. form # ORV 50-1:
 - i. Type of user groups served: 0-15 points
 - ii. Population served: 0-10 points
 - iii. Type of project: 0-10 points
 - iv. Funding of project: 0-02 points
 - v. Percent of local contributions 0-10 points
 - ~~vi. Identification of planning:~~ 0-08 points
 - vi. Is project identified in existing plans:
 - vii. Number of users served (registrations): 0-15 points
 - viii. Other project proximity: 0-10 points
 - ix. Organization of project: 1-03 points
 - ~~x. Existing impacts:~~ 3-13 points
 - x. Project urgency:
 - xi. Resource protection plan: 0-10 points
- c. A more specific discussion of priorities and point breakdowns is included in the project priority rating form, I.D.P.R. form # ORV 50-1, available from the department.

IDAPA 26.63.7. - APPROVAL OR REJECTION OF PROPOSED PROJECTS -

The proposed projects will be submitted to the committee for further recommendations, approval, and/or return to the applicant for more data or notification to the applicant, in writing, that the project has been rejected, and why it has been rejected. If the proposed project is approved by the committee, the ORMV planner will submit the project request for approval as specified in IDAPA 26.63.8.

- a. THE COMMITTEE provides advice and input regarding various aspects of proposed projects. ~~as to whether or not the project meets the needs of the ORMV users in that area.~~ Projects ~~may~~ will be reviewed by the committee at ~~mail-out/response system or meetings~~ may be called by the department. Input from this committee is advisory only, as the board, or the director when the board so delegates, has the final authority for project disposition.

- b. DUTIES OF THE COMMITTEE SHALL INCLUDE:

- (a) Representing the best interests of the ORMV users and activities which they represent in the area in which they are appointed;
- (b) advising the department as to whether proposed ORMV projects meet the needs of ORMV users in that area;
- (c) advising the department as to how funds can be used to rehabilitate areas on public or private lands and how the department can assist in the enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho;
- (d) the three (3) motorbike or all terrain vehicle representatives from the ORMV advisory committee shall advise the department on matters relating to the use of monies in the motorbike recreation account as provided in IDAHO CODE § 67-7127.

IDAPA 26.63.8. - AUTHORITY FOR FUNDING APPROVAL - Projects under \$10,000 may be approved by the director. Projects over \$10,000 will be presented to the board for approval. Requested cost increases that do not take the total project request over \$10,000 may be approved by the director. Cost increases that bring the total project amount over \$10,000 will be presented to the board for approval.

IDAPA 26.63.9. - REQUIREMENTS AFTER PROJECT APPROVAL/PERMITS - The sponsor shall write the project bid specifications, secure all contractual agreements and leases, announce a call for bids for the project according to the applicants bidding procedures, award the contract, and provide specification and project control. All local, state and federal permits required for the construction or development of projects must be legally acquired by the applicant before the relevant off-road motor vehicle fund grant monies can be expended.

IDAPA 26.63.10. - ACCOUNTING FOR PROJECT COSTS - Payment to the sponsor will be on an agreed-upon schedule but no sooner than 30 days prior to project start up or material purchase. All costs incurred on a project must have prior approval of the ORMV planner and must be accountable before and after payment is made. All claims against the fund shall be examined, audited, and allowed or disallowed in the same manner as now or hereafter provided by law for claims against the state. The project applicant must retain all financial information regarding a project for a time period of three years and all such information shall be made available to the department upon request.

IDAPA 26.63.11. - MANAGEMENT OF THE SITE OR FACILITY AFTER PROJECT COMPLETION. The project manager shall maintain a project review system in order to identify development and operation problems; become aware of any deteriorations of land or facilities which would be the key to success of additional projects; and provide regular management attention.

IDAPA 26.63.12. - OPERATION AND MAINTENANCE OF PROJECT -

Operation Requirements The project applicant or sponsor shall make all arrangements for operation and management of the completed project.

- a. ENTRANCE AND USE RESTRICTIONS - Entrance to and use of the project area shall not be restricted except for uses clearly hazardous or incompatible with ORMV use. Special use regulations regarding the safety of users, use hours, or seasonal use for the protection of the project area, fish, wildlife, livestock, and the general environment shall be established by the project applicant and sponsor. If necessary, the department may require the sponsor to impose any rules or regulations considered in the best interest of ORMV users or the general environment of the project.
- b. RESTRICTED AREAS FOR SPECIFIC EVENTS - A project area may have, within its boundaries, a defined and/or fenced area for closed-type competition, providing said area occupies no more than 20 acres or 20 percent of the project area and the course is open to general use during periods when the course is not being used for organized competition. The area shall not be closed earlier than one day prior to the closed-type competition or one day after the completion of the competition for preparation and clean up purposes.
- c. SCHEDULING OF SPECIFIC EVENTS - Events may be scheduled in a project area as determined by the project sponsor, with the ORMV Advisory Committee reserving the right to alter the scheduling to best meet the needs of the ORMV recreationist. A limited number of other events may be scheduled upon agreement of the sponsor and staff.
- d. FEES AND DONATIONS - Entrance to and use of a project area shall be open to the public and no form of admission, gate, toll, or fee shall be charged, except in certain and specific instances the ORMV planner may require and/or allow a limited form of admission, gate, toll, or fee to be charged for entrance into specific areas and assessment may be made for participants in an event held within the project area by the groups responsible for the event. Donations may be solicited of spectators by the groups responsible for the event in lieu of other admissions, gates, tolls, or fees and not in addition to them and then only with specific consent of the planner.
- e. DISPOSITION of fees and donations - Fees collected from use of the facility or a percentage thereof shall be used for facility operation and maintenance costs.
- f. USE BY OTHER THAN ORMV USERS - Groups other than ORMV users shall be welcome to use the facility or area with the understanding that the project was funded by ORMV funds and that ORMV users will be present. ~~and will have priority for use of the area.~~

- g. NOTICE OF REGISTRATION OF VEHICLES REQUIREMENTS TO BE POSTED - Project applicants and sponsors shall be responsible for posting a written notice of the requirement of applicable registration requirements and enforcing such requirements for special events as well as general use.
- h. ACKNOWLEDGMENT OF ORMV FUNDING ASSISTANCE - Project sponsors will be required to display signs acknowledging the use of ORMV funds on a project.
- i. MAINTENANCE STANDARDS - Facilities shall be maintained and operated in the condition equivalent to that existing when the facility was funded by ORMV funds. Normal wear and tear is expected and is acceptable. Maintenance standards shall be adopted by the sponsor or applicant in the planning process.

IDAPA 26.63.13. - PROJECT CONVERSION - ORMV funded projects shall not be converted to uses other than for ORMV, except when uncontrollable circumstances prevail and the ORMV Fund Advisory Committee and staff determines the conversion the best policy and when ORMV funds spent on the project can be returned to the fund or a satisfactory trade or exchange can be made in lieu of the money spent on the project, as determined by the ORMV Planner.

- a. The ORMV Fund Advisory Committee will make the final determination of whether or not a project may be converted to other uses.
- b. If there is a project conversion, the sponsor is responsible for repaying the ORMV fund an amount determined by investment amortization through use, project life expectancy, and depreciation or appreciation of the facilities or equipment.
- c. Project conversion requests must be in writing by the applicant prior to any conversion attempts.
- d. Any congressional act which results in what would otherwise constitute a conversion under this section shall be exempted from requirements set forth in this section, provided the board may seek voluntary sponsor compliance with conversion provisions.

IDAPA 26.63.14. - RESPONSIBILITY FOR EQUIPMENT PURCHASED WITH ORMV FUNDS - Equipment purchased with ORMV funds shall remain the property of the department to be leased to the sponsor through a lease contract. If the equipment is being underutilized, misused, used for purposes other than ORMV projects, or other considerations, it may be reclaimed by the department for use by another sponsor. Determination will be made on the advisability of reclaiming the equipment with advice of the committee and the staff.

- a. LEASE TIME PERIOD - Equipment purchased with ORMV funds shall be leased to the project applicant for the length of time determined by the director as applicable to accomplish the project under the parameters of project viability, equipment usability and user needs.
- b. LEASE PRICE - Equipment lease price will be negotiated and determined prior to project approval and will be commensurate with the cost/benefit ratio of services provided the ORMV user group that it serves.

- c. RESPONSIBILITY FOR DAMAGES TO LEASED EQUIPMENT - Project applicants shall bear the full responsibility for the damage or destruction of project facilities and equipment through their own means or applicable insurance.
- d. LIABILITY - Project applicants, through a signed agreement, will assume all project and equipment liability and hold harmless the department.

IDAPA 26.63.15. - LAND OR ANY REAL ESTATE purchased with ORMV funds will become the property of the applicant and will remain its property until such time as it becomes unusable for its intended purposes or if use ceases at which time ownership will revert to the department. Any deed for land or real estate purchased with ORMV funds shall contain a reversion clause which will return such land or real estate to the department in the event of conversion or non-use of the property.

IDAPA 26.63.16. - PUBLIC USE/NONDISCRIMINATION - Physical facilities and real property purchased with Off-Road Motor Vehicle grant monies shall be available for public use, regardless of race, religion, sex, age, or origin. No fees for the use of such facilities shall be charged unless approved by the board.

IDAPA 26.63.17. - APPEALS - Any applicant who may be adversely affected by a final order, decision, ruling, direction, or regulation of the director or board may appeal such final order, decision, ruling, direction, or regulation as outlined under IDAPA 26.10.15.

IDAPA 26.63.18. - PUBLIC RECORDS - The records relative to any grant project are public records, and are to be controlled as outlined under IDAPA 26.10.4.

5070E

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: NATURAL RESOURCES PAVILION
 BOARD ACTION REQUESTED

DIRECTOR: Yvonne S. Ferrell

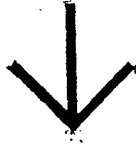
BACKGROUND: The department has been invited to join the BLM, the Forest Service, Idaho Fish and Game, and the World Center for Birds of Prey in a permanent exhibit at the Western Idaho Fair. The exhibit, called the Natural Resources Pavilion, would feature a waterfall, streams, and foliage laid out along pathways beneath an open, airy structure on a site donated by the Western Idaho Fair Board. Each agency would be responsible for its own area where information would be available, and would participate in the construction and maintenance of the common area.

The total cost of the project is projected to be about \$200,000. Corporate sponsorship is expected for about \$150,000. A major corporation has expressed interest in the project, and is expected to become the major sponsor in 1990 or 1991.

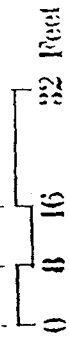
In the meantime, the agencies want to begin initial development of the site. The fountain and full grown trees are in place. Before next year's fair, the agencies hope to install benches, additional water features, and bridges, as well as individual display areas.

RECOMMENDATION: That the board approve up to \$10,000 from the Recreation Vehicle Grant Funds for initial construction of the exhibit area.

7780r



NORTH



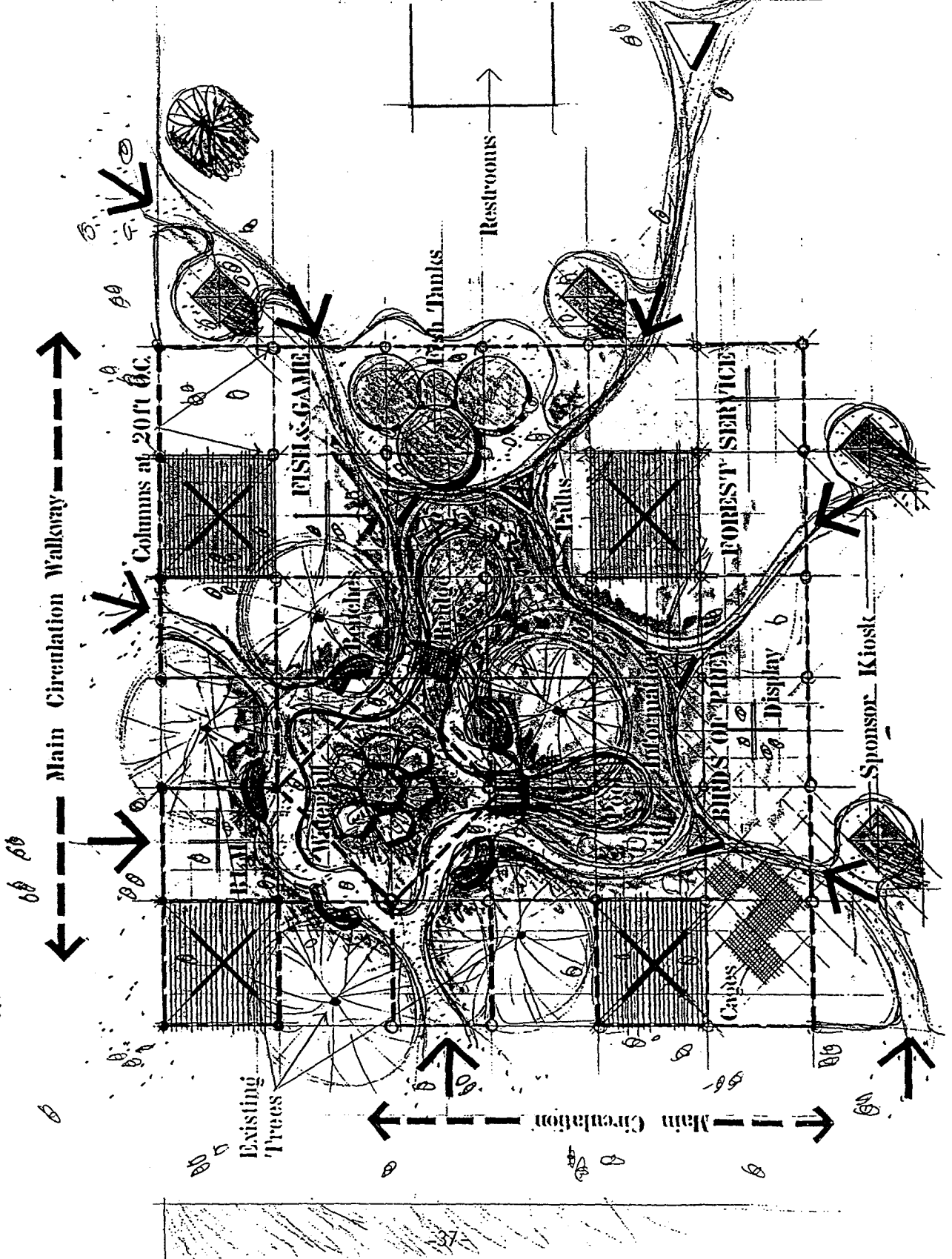
PROPOSED NATURAL RESOURCES PAVILLION

WESTERN
IDAHO
FAIRGROUNDS

BOISE, IDAHO

Pavillion Area 14,400 sf
Each Area 400 sf

WEL
SOSFORD
ARCHITECT





PROPOSED NATURAL RESOURCES PAVILLION Western Idaho Fairgrounds Boise, Idaho

NEIL
HOSFORD
ARCHITECT

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: ALBION CAMPUS STUDY
NO BOARD ACTION REQUESTED

BUREAU CHIEF: Merl Mews

BACKGROUND: At the last park board meeting, the board directed staff to proceed with a study to determine the feasibility of the Albion Normal School Campus as a state-sponsored field institute. This direction was the result of a proposal by the Alumni Association for the department to assume management of the existing campus and to program it for use as a field institute. It included the restoration and remodeling of various buildings to accommodate meetings and overnight stays.

At this point in time, the preliminary schedule and scope of the study has been finalized. The bureau will coordinate the various elements of the study and make the final report. The various elements will include an Idaho State University marketing study of the feasibility of the field institute, a report from the Division of Public Works on the extent and cost of cleanup of the asbestos problem in some of the buildings, an evaluation of the historic significance of campus structures by the Idaho Historical Society, staff's evaluation of its potential as a group camp facility. Staff's schedule calls for the study to be completed by January 1, 1990.

RECOMMENDATION: No action required. Informational only.

7779r

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: CENTENNIAL STATE PARK
NO BOARD ACTION REQUESTED

BUREAU CHIEF: Merl Mews

BACKGROUND: Work is continuing on the Centennial State Park concept. After the board approved the Salmon River regional concept at the last board meeting, it has been presented to and endorsed by the Centennial Commission. We have also completed a budget request for the concept that was approved by the board during the recent conference call board meeting and have submitted it with the department's regular budget request.

In September we also attended the annual meeting of the Yankee Fork Dredge Association in Boise. A presentation of our concept for the Centennial State Park was made to the group.

In September we also attended a Chamber of Commerce meeting in Challis where we also presented the park concept. The chamber endorsed the project and requested that the History Awareness Center be located in Challis.

We have also been working with the Challis National Forest on an agreement to operate the Custer/Bonanza area. At this point in time we are identifying the requirements of each agency and no problems are anticipated.

As soon as the location of the awareness center has been finalized and the park has been named, the next challenge will be to secure funding to build and operate it.

RECOMMENDATION: No action required. Informational only.

nh/5255E

IDAHO PARKS AND RECREATION BOARD MEETING, NOVEMBER 3, 1989, BOISE

AGENDA ITEM: Acquisition and Development Status Report
Information only - No board action requested

BUREAU CHIEF: Merl Mews

BACKGROUND: The attached acquisition and development schedules (4) identify the status of construction and maintenance projects funded for fiscal year 1989.

The first page lists those projects funded through the department's regular budgeting process. The second page identifies the maintenance projects funded by the Permanent Building Fund. The third page is a listing of the Army National Guard (ANG) projects which staff designed and ANG is funding and constructing. The last page is a listing of the projects funded by the recreation vehicle account.

All projects are in the process of implementation. The form identifies the funding source, amount, and the status of each project.

This report does not include the fiscal year 1990 projects. They are just getting underway. They will be reported in the next board meeting.

RECOMMENDATION: No action required. Informational only.

rvk/7310r

IDAHO DEPARTMENT OF PARKS & RECREATION
ACQUISITION & DEVELOPMENT SCHEDULE
FISCAL YEAR 1989

10/20/89

PROJECT NUMBER	PROJECT MANAGER	STATUS	PROJECT	ESTIMATED PROJECT COST	1101	1247	1355	1249	9321	-Other	Amount
			Personnel		148,600						
03-00			Operating Expense					14,500			
3139100	KF	Cancelled	Round Lake Water Storage	10,000		10,000					
3189100	KF	Complete	Heyburn Water System Improv.	92,500		92,500					
3259100	KF	Design	Winchester Utility Building	90,000		90,000					
3259200	KF	Not Started	Winchester Water Quality Project	50,000		50,000					
3319100	JC	Cancelled	Ponderosa Overlooks & Displays	10,000		10,000					
3369100	JC	Complete	3-Island Outdoor Program Area	10,000		10,000					
3419100	JC	Complete	Malad Gorge Overlooks & Displays	10,000		10,000					
3519100	JC	Complete	Massacre Rocks Overlooks & Display	10,000		10,000					
3539100	KF	Const.	Bear Lake Phase II Development	180,000		90,000	90,000				
3619100	JC	Complete	Harriman V.C. Displays	10,000		10,000					
3629100	JC	Complete	Henry's Lake Campground Expansion	107,500		50,000					
3709100	KF	Complete	Park Road Improve.	145,000		145,000					
3719100	JC	Complete	State Office Bldg. Maintenance	10,000						01-1247 06	10,000 1,000
3189200	TS	Midway	Heyburn G.D.P.	50,000			50,000				
3759100	TS	Complete	Spring Shores Marina	8,000						03-1115	8,000

nh/3229J

IDAHO DEPARTMENT OF PARKS & RECREATION
ACQUISITION & DEVELOPMENT SCHEDULE
FISCAL YEAR 1989
Extra 1

4/14/89

PROJECT NUMBER	PROJECT MANAGER	STATUS	PROJECT	ESTIMATED PROJECT COST	1101	1247	1355	1249	9321	Other	Amount
3811910	DPW	Adv.	Priest Lake Reroof/Ren. Res. #2	15,000						DPW 1247	15,000
3811920		Not Started	Priest Lake Dock Repair	4,000						DPW 1247	4,000
3813910		Complete	Round Lake Drainfield	6,000						DPW 1247	6,000
3815910	DPW	Design	Farragut Reroof Pumphouse	2,500						DPW 1247	2,500
3825920		Complete	Winchester Dock Repairs	5,000						DPW 1247	5,000
3875910	DPW	Complete	South Region Reroof Shop	15,000						DPW 1247	15,000
3836910	DPW	Complete	Three Island Flammable Storage Bld	10,000						DPW 1247	10,000
3841910	DPW	Complete	Malad Gorge Flammable Storage Bld	10,000						DPW 1247	10,000
3831910		Complete	Ponderosa Domestic Well	10,000						DPW 1247	10,000
3841930		Not Started	Niagara Springs Renovate Restroom	2,000						DPW 1247	2,000
3861910	DPW	Const.	Harriman - Restoration of Historical Bldg.	60,000						DPW 1247	60,000
3862910	JC	Complete	Henrys Lake Replace Drainfield	3,500						DPW 1247	3,500
3871910	MM	Complete	Statewide Life Safety	10,000						DPW 1247	10,000

nh/3229J

IDAHO DEPARTMENT OF PARKS & RECREATION
ACQUISITION & DEVELOPMENT SCHEDULE
FISCAL YEAR 1989
Extra 2

1/1/89

PROJECT NUMBER	PROJECT MANAGER	STATUS	PROJECT	ESTIMATED PROJECT COST	1101	1247	1355	1249	9321	Other	Amount
3015910	RF	Complete	Farragut Place Beach Sand	5,000						ANG 03-1247	5,000
3023910	RF	Complete	Hells Gate Place Beach Sand	5,000						ANG 03-1247	5,000
3023920	RF	Complete	Hells Gate 20 Table Pads	10,000						ANG 03-1247	10,000
3025910	RF	Const.	Winchester Fishing Access & Docks	4,200						ANG 03-1247	4,200
3025920	KF	Complete	Winchester Bridge	25,000						ANG 03-1247	25,000
3034910	RF	Const.	Sandy Point Place Beach Sand	5,000						ANG 03-1247	5,000
3034920	KF	Complete	Veterans Memorial 350' Gabions	25,000						ANG 03-1247	25,000
3071910	RF	Const.	Statewide 5 gates	5,000						ANG 03-1247	5,000
3071920	RF	Const.	Statewide 8 Entrance Signs	4,000						ANG 03-1247	4,000
3075910	RF	Const.	South Region 12 Benches	1,800						ANG 03-1247	1,800
3075920	RF	Const.	South Region 4 Drinking Fountains	2,000						ANG 03-1247	2,000
3061910	RF	Complete	Harriman 2400 Feet Waterline	5,000						ANG 03-1247	5,000
3061920	RF	Complete	Harriman 2 Drinking Fountains	1,000						ANG 03-1247	1,000
3062910	RF	Complete	Henry's Lake Pedestrian Bridge	2,000						ANG 03-1247	2,000
				100,000							

jm-3229J

Extra 3

[illegible]

nh/3229J

IDAHO PARKS AND RECREATION BOARD MEETING
NOVEMBER 3, 1989--BOISE

AGENDA ITEM: 1990 Legislation
NO BOARD ACTION REQUESTED

DIRECTOR: Yvonne S. Ferrell

BACKGROUND: At the July park board meeting, the board approved, in concept, four legislative items to be prepared for the 1990 session. They were:

Recreational Vehicle funding reapportionment
Boat Accident Reporting and notification
Update to the listing of state park
Centennial park

Attached is the specific bills and justifications as submitted to the Governor's Office on boat accident reporting and on listing of state parks.

RV funding reapportionment is not included for the following reasons. After one year's experience with revenues and expenditures, it appears the agency can fund the Idaho Transportation Department's charge for stickers without adversely financially affecting the agency surcharge payment. If Title 49 should be re-opened for other reasons, careful consideration will be given to modifying the language regarding fund distribution.

A separate bill for the Centennial park has not been written at this time, pending final decision by the executive office as to which direction is to be taken. Should a separate bill (in addition to the listing of parks bill and the budget documents) be determined appropriate at a later date, it will be submitted.

RECOMMENDATION: This is informational only. No board action requested.

7799r

IN THE _____

_____BILL NO. _____

BY _____ COMMITTEE

AN ACT

RELATING TO THE STATE PARKS LISTING; AMENDING SECTION 67-4212, IDAHO CODE, TO PROVIDE FOR THE DELETION OF INDIAN ROCKS AND TAYLOR "BEAR TRACK" WILLIAMS STATE PARKS, ADDITION OF EAGLE ISLAND AND DWORSHAK STATE PARK AND OTHER MINOR CORRECTIONS TO THIS SECTION.

Be It Enacted by the Legislature of the State of Idaho:

That Section 67-4212, Idaho Code, be, and the same is hereby amended to read as follows:

67-4212. State parks listed -- Controlled by park and recreation board of the department of parks and recreation. -- The following described areas in the state of Idaho, so far as these areas are owned or controlled by the state of Idaho, and used for public, outdoor recreational purposes, are hereby declared to be Idaho state parks, and they are hereby placed under the jurisdiction and control of the park and recreation board of the department of parks and recreation of the state of Idaho:

~~(1)(2)~~ Priest Lake State Park consisting of Indian Creek and Lion Head units on the east shore of Priest Lake to a depth of one thousand (1,000) feet from the shoreline in Bonner County. This park also includes ~~(3)~~ Dickensheet Campground, located on Priest River downstream from Priest Lake in Bonner County.

~~(2)(5)~~ Round Lake State Park, located on the shores of Little Round Lake west of State Highway 95 in Bonner County.

~~(3)(11)~~ Farragut State Park, located near the village of Bayview, east of State Highway 95 in Kootenai County.

~~(4)~~~~(8)~~ Old Mission State Park, located adjacent to ~~U.S. Highway 10~~
Interstate Highway 90 near Cataldo in Kootenai County.

~~(5)~~~~(4)~~ Mowry State Park, located on the south shore of Lake Coeur
d'Alene east of U.S. Highway 95 near Worley in Kootenai County.

~~(6)~~~~(7)~~ Heyburn State Park, located on Lake Chatcolet east of U.S.
Highway 95 in Benewah County.

~~(7)~~~~(6)~~ Mary Minerva McCroskey Memorial State Park, located at and near
the boundary line between Latah and Benewah Counties and west of U.S. Highway
95.

~~(8)~~ Dworshak State Park, consisting of the Freeman Creek and Three
Meadows Group Camp areas, located on the shores of Dworshak Reservoir and
leased from the U.S. Army Corps of Engineers and northeast of U.S. Highway 12.

~~(9)~~~~(12)~~ Hells Gate State Park, located on the Snake River at Lewiston,
Snake River Avenue, Nez Perce County.

~~(10)~~~~(1)~~ Winchester Lake State Park, located adjacent to the city of
Winchester, on Winchester Lake in Lewis County.

~~(11)~~~~(10)~~ Ponderosa State Park, constituted by all the land of the
state of Idaho department of parks and recreation adjacent to Payette Lake in
Valley County. Also included in this park is the ~~(9)~~ Packer John Cabin Site,
located along State Highway 55 near Old Meadows in Adams County.

~~(12)~~ Eagle Island State Park, located on Hatchery Road west of the
town of Eagle in Ada County.

~~(13)~~~~(15)~~ Veterans Memorial State Park, located in the city of Boise on
State Highway 44 in Ada County.

(14) Lucky Peak State Park, constituted by all recreational areas leased to the state of Idaho on the shores of Lucky Peak Reservoir in Ada and Boise counties, and the Sandy Point area on the Boise River in Ada county.

~~(13)~~ Discovery State Park, located approximately eight (8) miles southeast of Boise between Lucky Peak Dam and Diversion Dam on the Boise River and along State Highway 21 in Ada County.

~~(15)(23)~~ Three Island State Park, located adjacent to the city of Glens Ferry and the Snake River, south of Interstate Highway 84 in Elmore County.

~~(16)(21)~~ Bruneau Dunes State Park, located approximately three (3) miles south of the Snake River near the town of Bruneau and east of State Highway 51 in Owyhee County.

~~(17)(16)~~ Malad Gorge State Park, located on the Malad River and south of Interstate Highway 84 in Gooding County. ~~(22)~~ Hagerman Fossil Horse Quarry, located in Section 16 of Township 7 South in Range 13 East of the Boise Meridian in Twin Falls County. ~~(25)~~ Crystal Springs and Niagara Springs State Parks located on the Snake River south of Interstate Highway 84 and east of U. S. 30 in Gooding County.

~~(18)(19)~~ City of Rocks (one section of land within the National Reserve) located west of the village of Almo in Cassia County.

~~(19)(17)~~ Register Rock ~~and~~ Massacre Rocks State Parks, located approximately four ~~(4)~~ ten (10) miles west of American Falls on Interstate Highway 86 ~~15~~ in Power County and including Register Rocks.

~~(18)~~ Indian Rocks, located on U.S. Interstate 15 near McCammon in Power County.

~~(26)~~ Taylor "Bear Track Williams State Park, located on the Little Wood River in Lincoln County.

~~(20)~~~~(27)~~ Bear Lake State Park, located on the east shoreline of Bear Lake south off U.S. Highway 30 and east of U.S. Highway 89, north of the Idaho-Utah state line in Bear Lake County. This park also includes the North Beach area leased from Utah Power and Light Company.

~~(21)~~~~(24)~~ Harriman State Park, located adjacent to and east of U.S. Highways 20/191 in Fremont County.

~~(22)~~~~(20)~~ Henry's Lake State Park, located on the shores of Henry's Lake west of State Highway 87 in Fremont County.

7774r

EXPLANATION OF
POTENTIAL IDAHO PARKS AND RECREATION DEPARTMENT LEGISLATION FOR 1990 SESSION
STATE PARKS LISTED

The current listing of state parks in IDAHO CODE 67-4212 needs to be revised to delete two parks from the listing, to add two parks to the listing, to consolidate separate listings under the appropriate park management/operation umbrella, and to renumber the parks in a north/south/southeast/northerly configuration, much as a highway traveler through our state would find them. Currently, there is no particular pattern to how they are listed.

The two parks proposed to be deleted from the listing are Indian Rocks State Park and Taylor "Bear Track" Williams.

Indian Rocks State Park has been closed since 1981. The department tried unsuccessfully to reopen the park through various means. The first was to use the facility as a training ground for university students. That program failed when ISU discontinued offering a park management degree. Efforts to get other universities interested failed. The second method was to utilize private contractors. This was soon found to be impossible because usage was too small. Staff then tried to interest other state agencies with ideas such as a state tourism information center. These also were unsuccessful.

The last effort entailed subleasing the property to the Tendo Council of the Boy Scouts of America. The department found subleasing was not allowed. Consequently, to accomplish the objective of making the property available to the Boy Scouts, the state of Idaho needed to first relinquish the property to the BLM. Since the property was purchased with federal LWCF's, the state has an obligation to purchase property with equal recreation utility.

The first step was to get an appraisal of the property and get the appraisal approved by the NPS. The National Park Service (NPS) accepted the appraisal price of \$54,000. Staff then notified the NPS of the state's intention to convert the property. Upon conversion, IDPR has one year to purchase an

alternate piece of property with equal recreational utility. The FY '90 budget includes sufficient funds to accomplish this task. Staff notified the BLM of our intentions and relinquished title to the property to BLM on May 15, 1989.

It is our understanding that BLM has continued to work with the Tendoy Boy Scout Council toward their use of the property, as well as some public use.

The Taylor Bear Track Williams state park has never been developed, operated, or managed by this agency. It was donated by Jack Hemingway to this agency a number of years ago, but it is basically a fishing area. IDPR has a management agreement with the Department of Fish and Game at the present time, but negotiations are proceeding to exchange properties with IF&G in order to consolidate management of certain areas. Namely, we plan to turn Bear Track Williams over to Fish and Game in exchange for their property at Niagara Springs.

The two properties that we need to add to the state park listing, Eagle Island and Dworshak State Parks, are fully operational state parks. Eagle Island was added to the state park system several years ago, and Dworshak was added this past summer.

In addition to those fairly significant changes, there are a few minor changes to the legislation which are intended to better define and describe the state park areas. They have been rearranged and renumbered to follow a north/south/southeast/northerly pattern. Several of the small parks have been placed under a major park to conform to the actual management/operation practices for those particular areas.

The proposed amendments would effectively bring the state park listing in the IDAHO CODE up-to-date.

7796r

IN THE

BILL NO.

BY

COMMITTEE

AN ACT

RELATING TO BOAT ACCIDENT NOTIFICATION AND REPORTING; AMENDING SECTION 67-7027, IDAHO CODE, TO PROVIDE THAT IT SHALL BE THE DUTY OF THE OPERATOR OF A VESSEL INVOLVED IN AN ACCIDENT TO IMMEDIATELY NOTIFY THE LOCAL SHERIFF OF THE ACCIDENT AND TO PROPERLY COMPLETE AND SUBMIT A BOATING ACCIDENT REPORT AS REQUIRED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7027, Idaho Code, be, and the same is hereby amended to read as follows:

67-7027. COLLISIONS, ACCIDENTS AND CASUALTIES - REPORTS. -- (1) It shall be unlawful for the operator of any vessel on the water of this state to fail to report any accident or casualty occasioned by the operation of a vessel and as herein provided.

(2) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests, to render aid to other persons affected by the collision, accident or other casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(3) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty resulting in death or injury to a person or damage to property in excess of two hundred dollars (\$200), to (a) immediately, by the quickest means of communication, give notice of the accident to the sheriff of the county in which the accident occurred, and to (b) file with the sheriff of the county in which the accident occurred, a boating accident report within forty-eight (48) hours of the occurrence if a person dies within twenty-four (24) hours of the occurrence, or in the case of an incapacitating injury or if a person disappears from the vessel. A report shall be filed within ten (10) days of the occurrence or death if an earlier report is not required by this paragraph. The report shall be made on forms provided by the department, but shall not be referred to in any way as evidence in any judicial proceeding. A copy of such report shall also be readily transmitted by the sheriff to the designated state boating safety coordinator.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, and there is another person in the vessel at the time of the accident capable of giving immediate notice of an accident as required herein, the person shall give or cause to be given the notice not given by the operator.

(5) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the director.

POTENTIAL IDAHO BOATING LEGISLATION FOR 1990 SESSION

BOAT ACCIDENT REPORTING

Currently, the Idaho Code (67-7027, I.C.) allows too much time for a person to report a boating accident to the sheriff's departments. In cases of death, the law allows up to 48 hours before a report or notification of the accident is due. In other cases, it allows up to 10 days.

This allows too much time before a report or notification is required. Often, people in boating accidents thus fail to report the accident because of this excess length of time. They may not live in the area of the accident and so leave the area soon after the accident, or they may not complete the accident form properly because they have forgotten details by waiting so long after the accident to report it. It is therefore essential to require the accident to be reported immediately following it.

An example to compare this situation to is motor vehicle accident reporting. According to 49-1305, I.C. immediate reporting of such accidents is required.

This proposed legislation would simply correct 67-7027(3), I.C. to require immediate reporting of all reportable boating accidents.